FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Luis ALVARADO-Manriquez,** Defendant	)	Magistrate Docket No. '08 MJ 0646 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **March 1, 2008** within the Southern District of California, defendant, **Jose Luis ALVARADO-Manriquez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **3rd** DAY OF **MARCH 2008**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose Luis ALVARADO-Manriquez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On March 1, 2008, Border Patrol Agent P. Olvera was performing his assigned duties in the Imperial Beach Border Patrol Station's area of operations. Agent Olvera was patrolling the border near a location known as "Campo's Ditch". This location is approximately three miles west of the San Ysidro, California Port of Entry and approximately two hundred yards north of the United States / Mexico International Boundary. This area is also notorious for the presence of undocumented aliens and smugglers attempting to make or further their illegal entry into the United States.

At approximately 6:25 a.m., Agent Olvera was notified, via his hand-held service issued radio of a sensor activation near his position in the "Campo's Ditch" area. Agent Olvera responded to the general location of the senor activation and observed foot sign traveling north. Agent Olvera followed the sign for approximately ten yards and observed a single individual attempting to conceal himself in some thick brush. At approximately 6:30 a.m., Agent Olvera identified himself as a United States Border Patrol Agent in both the English and Spanish Languages and questioned the subject, later identified as the defendant **Jose Luis ALVARADO-Manriquez**, as to his citizenship.

The defendant stated that he was a citizen and national of Mexico. Agent Olvera then asked the defendant if he was in possession of any immigration documents allowing him to enter or remain in the United States legally. The defendant stated that he was not and admitted to illegally entering the United States by climbing over the border fence west of the San Ysidro, California Port of Entry. The defendant was placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 8, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on March 2, 2008 at 9:00 a.m.

[signature]
Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **March 1, 2008**, in violation of Title **8**, United States Code, Section **1326**.

[signature]
Cathy A. Bencivengo
United States Magistrate Judge

3/2/08 @ 9:55 am
Date/Time